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94-102

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September 19, 1996

The Honorable Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street NW  
Washington, D.C. 20554

10 1997

Dear Chairman Hundt,

Thank you for your letter of August 22, 1996, regarding the FCC's Enhanced 911 (E911) rulemaking proceeding (CC Docket No. 94-102). I reviewed the official text of the *Order and Further Notice* and am extremely pleased with the outcome of the Commission's decision-making process. It makes sense at the outset to require cellular carriers to transmit all 911 calls made from mobile handsets that have a Mobile Identification Number (MIN) without any blocking, credit checks, or other validation. I also appreciate the Commission's decision to seek further comment on the question of 911 calls from mobile handsets without a MIN.

The purpose of this letter is twofold: First, I urge the Commission to stand firm on its previous decision and deny the Cellular Telecommunications Industry Association's (CTIA's) Petition to Reconsider. Second, I urge the Commission to take the next step and require that all cellular phone have access to 911 emergency services regardless of whether the phone has a MIN or not.

CTIA's Petition to Reconsider

First, I am very disappointed that the CTIA is seeking to undo the reasonable compromise your Wireless Bureau worked so hard to reach. The CTIA continues to argue that this policy will result in increased crank phone calls and carrier liability.

I am certainly sympathetic to concerns that unless a 911 operator is able to call back the cellular phone from which the 911 call was placed, they cannot verify that the call is indeed a true emergency. However, even if it were impossible to call back a particular cellular phone (a point that is debated by cellular engineers), I strongly believe this is not a sufficient excuse to block access to emergency services. People must at least be given a chance to get help when they need it.

I am also deeply disappointed with the example from New Jersey the CTIA presented in its filing. It is simply not valid to blame the New Jersey State Trooper's accidental death (in a car accident on the way to the scene) on the inability of 911 operators to call back crank callers. This particular 911 operator was not able to return the call to any cellular phone because caller ID is not available in New Jersey over the cellular system.

I view this as an opportunity for cellular companies to place the public interest behind narrow financial interests. I support the prompt provision of 911 access to all wireless users, without regard to whether or not the call comes from a paying customer. Members of the public should be able to obtain needed help regardless of whether the caller is a paying customer of the local cell carrier.

On June 12th, 1996, the FCC made the right decision regarding access to emergency services for all cellular phones with a MIN. I urge you to stick with this decision and deny CTIA's Petition to Reconsider.

**Further Notice of Proposed Rulemaking**

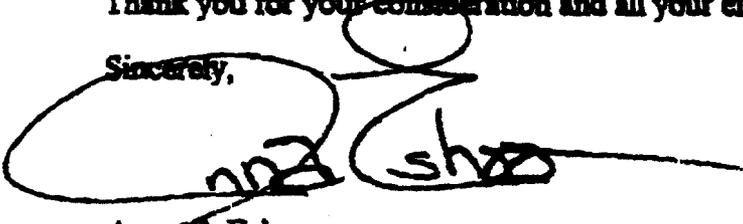
The FCC's policy on wireless 911 services could be improved by a requirement that all cellular phones, regardless of whether they have a MIN, have access to cellular services. Under the Order as reported on July 26th, 1996, providing access to 911 from these phones is left to the discretion of the local public safety authority. Leaving this to the discretion of public safety officials along will perpetuate the current inconsistency across the nation in regard to access to 911. People who use cellular phones should always have access to 911 nationwide.

~~Public safety authorities do not have adequate resources to respond to any additional calls this policy may generate.~~ I certainly understand that the public safety services in many communities, including the San Francisco Bay Area, are already stretched to the limit. We need to work with these local authorities to assure they have the resources they need. However, even given the limited resources, refusing access to emergency services is simply not acceptable. Other possible solutions include providing additional spectrum for public safety uses, or, as is happening in the San Francisco Bay Area, establishing "311" services for non-emergency calls. I urge you to adopt a policy that requires unlimited access to 911 emergency services nationwide from any cellular phone.

Again, Chairman Hundt, I urge you to deny the CTIA's petition to reconsider, and move on to extend the 911 access requirements in your Initial Report and Order to all cellular phones, including those without MINs. Cellular companies are using public spectrum. Along with their use of the public's spectrum comes the responsibility to serve the public.

Thank you for your consideration and all your efforts on this issue.

Sincerely,



Anna G. Eshoo  
Member of Congress

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